

REMARKS

Claims 1-8, 23, and 25-26 were pending in this application. Claims 1-7 were withdrawn from further consideration by the Examiner as being drawn to non-elected inventions under 37 C.F.R. §1.142(b). Claims 3 and 4 have been canceled. Claims 1, 2, 5, 25, and 26 are currently amended. Support for currently amended claims 1, 2, 5, 25, and 26 can be found throughout the specification as filed, including, *e.g.*, page 10, lines 3-11, and page 14, lines 12-16. Claim 27 is new. Support for new claim 27 can be found throughout the specification as originally filed, including, for example, at page 4, lines 31-32. Upon entry of this amendment, Claims 8, 23 and 25-27 will be pending, and claims 1, 2, and 5-7 will be pending and withdrawn.

No new matter has been added. Amendments to and/or cancellation of the claims should in no way be construed as an acquiescence to any of the Examiner's objections and/or rejections. The amendments to and/or cancellation of the claims are being made solely to expedite prosecution of the above-identified application. Applicants reserve the option to further prosecute the same or similar claims in the present or another patent application. The amendments made to the claims are not related to any issues of patentability.

Allowable Subject Matter

Applicants acknowledge and thank the Examiner for acknowledging that claims 8 and 23 of the instant application are allowed. Claims 1-7 are currently withdrawn as directed to a non-elected invention. Applicants respectfully request however, that these claims be considered for rejoinder in accordance with MPEP §821.04.

MPEP §821.04(b) states that “if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder.” Applicants respectfully submit that withdrawn claims 1-2, and 5-7 require all of the limitations of allowable claim 8. Specifically, claims 1-2, and 5-7 each require the same compounds as the allowed compounds of claim 8. Therefore, Applicants respectfully request that withdrawn claims 1-2, and 5-7 be rejoined and found allowable.

Claim Rejections – 35 USC §112, 1st Paragraph

The Examiner has rejected claims 25 and 26 under 35 USC §112, first paragraph because “the specification, while enabling for compositions of the amidine derivatives shown in claim 8, does not reasonably provide enablement for the treatment or prevention of an amyloid-related disease.” While in no way acquiescing to the Examiner’s rejection, Applicants submit that the claims as amended herein, render this rejection moot.

The Examiner states that “the claimed invention is highly unpredictable since one skilled in the art would recognize that a group of compositions may provide a treatment for one or some amyloid related diseases, but it does not mean that the same group of compositions may prevent any amyloid related disease or treat all amyloid diseases.” Without acquiescing to the Examiner’s rejection, Applicants have amended the claims to be directed specifically to treating β -amyloid related diseases. The Examiner has also stated that “[c]laim 25 encompasses an immense number of species, reciting ‘an amyloid related disease.’...Although limiting the genus to six species (diseases), the diseases of claim 26 are drastically different such that no known pharmaceutical treats said diseases.”

Without acquiescing to this rejection, in order to expedite prosecution, claim 25 has been amended to claim a pharmaceutical composition for the treatment of a β -amyloid-related disease, and the diseases listed in claim 26 have been amended to include only those diseases that are β -amyloid related diseases. Accordingly, Applicants submit that the claims are no longer directed to any amyloid related disease, but are limited to only those that are β -amyloid related diseases. Applicants submit that the claimed subject matter is fully enabled and described in our specification. *See e.g.*, the A β assay described at paragraphs 260 *et seq.*, as well as Table 2. Accordingly, Applicants respectfully request that the rejection of claims 25 and 26 be withdrawn.

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Examiner: J.M. Nolan

CONCLUSION

In view of the above response, Applicants believe the pending application is in condition for allowance. The Examiner is invited to contact the undersigned (direct dial: 617.994.0853) with any questions or comments regarding this response.

Please charge any underpayment and credit any overpayment to our Deposit Account No. 12-0080, under Order No. NBI-193 from which the undersigned is authorized to draw.

Dated: March 26, 2007

Respectfully submitted,

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